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PATENT
Attorney Docket No.: 023070-103031US
Client Ref. No.: 1992-383-6

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

On October 15, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: *John Kenneth Dallan*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NOBORI et al.

Application No.: 09/780,114

Filed: February 9, 2001

For: METHOD FOR DETECTION OF
THE PRESENCE OR ABSENCE OF
METHYLTHIOADENOSINE
PHOSPHORYLASE (MTASE) IN A
CELL SAMPLE BY DETECTION OF
THE PRESENCE OR ABSENCE OF
MTASE ENCODING NUCLEIC ACID
IN THE CELL SAMPLE

Examiner: Jeanine Anne Goldberg

Art Unit: 1634

PETITION FOR THE BENEFIT OF A
PRIOR FILED COPENDING
NONPROVISIONAL APPLICATION
UNDER 37 C.F.R. §1.78(A)(3)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition for a claim for the benefit of a prior filed copending nonprovisional application. A reference to a prior filed copending nonprovisional application was unintentionally not submitted with the application at the time of filing.

Applicants request the benefit of a prior filed copending nonprovisional application and submit herewith (1) the petition fee pursuant to 37 C.F.R. §1.17(t), (2) a statement that the entire delay between the date the claim was due under 37 C.F.R.

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OFFICE OF PETITIONS

§1.78(a)(2) and the date of filing the claim, was unintentional, (3) a copy of a previously submitted Request for Corrected Filing Receipt (mailed to PTO 8/22/02), (4) a Supplemental Application Data Sheet (clean copy) and a Supplemental Application Data Sheet with tracked changes (as compared with Initial ADS of 8/29/01).

REMARKS

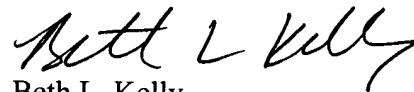
Applicants state that the entire delay in filing the claim for the benefit of priority of a prior filed copending nonprovisional application, from the due date for the claim under 37 C.F.R. §1.78(a)(2) until the filing of a grantable petition pursuant to 37 CFR 1.78(a)(3), was unintentional.

CONCLUSION

Because the entire delay in filing the claim for the benefit of priority of a prior filed copending nonprovisional application, from the due date for the claim under 37 C.F.R. §1.78(a)(2) until the filing of a grantable petition pursuant to 37 CFR 1.78(a)(3), including any delay from the date of discovery of the failure to submit the claim, was unintentional, Applicants ask for the Examiner's forbearance and respectfully request that the petition for the claim for the benefit of priority of a prior filed copending nonprovisional application be granted at an early date.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Beth L. Kelly
Reg. No. 51,868

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

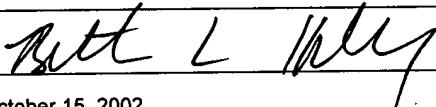
Application Number	09/780,114
Filing Date	February 9, 2001
First Named Inventor	Nobori, Tsutomu
Group Art Unit	1634
Examiner Name	Jeanine Anne Goldberg
Attorney Docket Number	023070-103031US

Total Number of Pages in This Submission 17

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition for the Benefit of a Prior Filed Copending Nonprovisional Application under 37 CFR 1.78(A)(3); Suppl. ADS; Suppl. ADS w/ tracked changes; copy of previously submitted Request for Corrected Filing Receipt; and Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Beth L. Kelly	Reg. No. 51,868
Signature		
Date	October 15, 2002	

CERTIFICATE OF MAILING

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October 15, 2002

Typed or printed name	Jo Ann Honcik Dallara	Date	October 15, 2002
Signature			

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SF 1396149 v1

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TO THE U.S. PATENT OFFICE
FILING ACKNOWLEDGMENT

Mailing Date: October 15, 2002 File No.: 023070-103031US
Due Date: _____ Attorney: BLK/jhd
Appln. No.: 09/780,114
Inventor(s): Nobori et al.
Title: METHOD FOR DETECTION OF THE PRESENCES OR ABSENCE OF
METHYLTHIOADENOSINE PHOSPHORYLASE (MTASE) IN A...

Petition for the Benefit of a Prior Filed Copending Nonprovisional Application under 37
CFR 1.78(A)(3); Suppl. ADS; Suppl. ADS w/ tracked changes; copy of previously
submitted Request for Corrected Filing Receipt; Fee Transmittal form PTO/SB/07 and
Transmittal Form PTO/SB/21

Please stamp the date of receipt of the enclosed documents and return this card to addressee

SF 1396223 v1

